UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI SOUTHEASTERN DIVISION

JONATHAN WRIGHT,)	
Plaintiff,)	
v.)	No. 1:17-cv-120-RLW
WES DRURY, et al.,)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before the Court for review pursuant to Rule 4(m) of the Federal Rules of Civil Procedure. This action will be dismissed, without prejudice.

Plaintiff commenced this action in this Court on July 25, 2017, and filed an Amended Complaint on October 13, 2017. In the amended complaint, plaintiff named Justin Wouten and Ryan Unknown as defendants. Plaintiff identified Ryan Unknown as a corrections officer. On December 4, 2017, the Court dismissed the complaint as to Wouten, and directed the Clerk of Court to serve process upon Ryan Unknown. A deputy United States Marshal attempted service via summons, but on December 14, 2017, service was returned unexecuted, indicating that Ryan Unknown could not be located based on the information provided.

Rule 4(m) of the Federal Rules of Civil Procedure provides:

If a defendant is not served within 90 days after the complaint is filed, the court -- on motion or on its own after notice to the plaintiff -- must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

In this case, the Rule 4(m) service period expired on January 11, 2018. In an Order dated January 31, 2018, the Court directed plaintiff to provide adequate information such that Ryan Unknown could be identified and served. The Court also cautioned plaintiff that, in the absence

of good cause shown, his failure to provide the necessary information would result in the dismissal of his case against Ryan Unknown pursuant to Rule 4(m) of the Federal Rules of Civil Procedure. Plaintiff's response was due to the Court on February 21, 2018. To date, however, he has filed nothing.

A plaintiff bears the burden of providing proper service information. *Lee v. Armontrout*, 991 F.2d 487, 489 (8th Cir. 1993). Here, plaintiff failed to sufficiently identify Ryan Unknown in the Amended Complaint, reasonable efforts to locate and serve him based upon the limited information plaintiff did provide were unsuccessful, and plaintiff failed to respond to the Court's January 31, 2018 Order. This case will therefore be dismissed, without prejudice, pursuant to Rule 4(m) of the Federal Rules of Civil Procedure.

Accordingly,

IT IS HEREBY ORDERED that this case is DISMISSED without prejudice.

IT IS HEREBY CERTIFIED that an appeal from this dismissal would not be taken in good faith.

Dated this 28 day of February, 2018.

RONNIE L. WHITE

UNITED STATES DISTRICT JUDGE